

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X ADONNA FROMETA,

Index No.: 07CIV6372

PLAINTIFF'S AFFIDAVIT

Plaintiff,

-against-

MARIO E. DIAZ-DIAZ, ALL AMERICAN HAULERS
RECYCLING

Defendants.

-----X
STATE OF NEW YORK)
) s.s.:
COUNTY OF NEW YORK)

ADONNA FROMETA, being duly sworn, deposes and says under the penalties of perjury:

1. I am the Plaintiff in the above captioned matter, and as such I am fully familiar with the facts and circumstances contained herein. I am submitting this affidavit in support of the motion for Summary Judgment on the issue of liability.
2. On February 14th, 2007, I was a seat belted driver of a motor vehicle struck in the rear by the vehicle owned by defendant ALL AMERICAN HAULERS RECYCLING and operated by defendant MARIO E. DIAZ-DIAZ, at the intersection of 23rd Street and Lexington Avenue, County of New York, State of New York.
3. I had no prior indication of the rear end impact before I felt it. The impact was very heavy and it bounced me forward and backwards, as the defendant's sanitation truck was crushing into my vehicle.
4. I was immediately transported by the ambulance to the emergency room of the Cabrini Medical Center.
5. As a result of this accident I sustained serious and permanent injuries including but not limited to: Surgery - right sided L5-S1 hemilaminotomy, medial facetectomy with a removal of herniated disc; Surgery - diagnostic diskogram at C3-C4; Three Cervical Epidural Steroid Injections to neck; Facet nerve injections to the right and left neck; Herniated lumbar disc L5-S1; L5-S1 diminished disc space height, disc hydration loss and anterior disc extension and anterior disc extension and anterior spurring with adjacent osseous vertebral edema as well as posterior disc herniation; L5-S1 intervertebral disc

space narrowing with anterior productive changes; L3-4 and L4-5 posterior disc bulges; Right L5-S1 radiculopathy; Neuropathic pain syndrome; C3-4 posterior disc herniation with ventral CSF impression; C2-3 and C4-5 posterior disc bulges; T1-2 and T2-3 eccentric left-sided peripheral disc herniations; Left maxillary thickening compatible with sinusitic change; flattening at the anterosuperior margin of the C6 vertebral body; Right C5-6 radiculopathy.

6. At the time of the accident I was fully stopped at the intersection of 23rd Street and Lexington Avenue for approximately five seconds for the red light controlling my direction of traffic.
7. My vehicle was hit in the rear by a sanitation truck and as a result of this heavy impact I lost consciousness.
8. At the time of impact the traffic light in front of me controlling the intersection of 23rd Street and Lexington Avenue was red and I was waiting for it to change to be able to proceed east on 23rd Street.
9. That I understand and am informed by my attorney, SLAWEK W. PLATTA, PLLC that I have a good and meritorious cause of action and I verily believe same to be true.



Adonna Frometa

Sworn to be before me this

April 1, 2008

SLAWOMIR W. PLATTA
NOTARY PUBLIC-STATE OF NEW YORK
No. 02PL6171290
Qualified in Kings County
My Commission Expires July 23, 2011



Notary Public